

REMARKS

In the non-final Office Action, the Examiner rejected claims 1-27 under 35 U.S.C. § 103(a) as unpatentable over Brown et al. (U.S. Patent No. 5,535,261) in view of Gainsboro (U.S. Patent Application No. 2002/0071537).

By this Amendment, Applicant amends claims 2, 4-10, 12-17, 20-23, and 25-27 to improve form. Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. § 103. Claims 1-27 remain pending.

Independent claim 1 is directed to a method of discovering inmate-employee fraternization. The method comprises monitoring a plurality of inmate communications; comparing the plurality of monitored inmate communications to information relating to inmates and employees located in a database; determining, based at least on the results of the comparing, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing; and performing a predetermined action if one of the plurality of communications indicates that the employee and inmate are fraternizing.

Neither Brown et al. nor Gainsboro, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 1. For example, neither Brown et al. nor Gainsboro discloses or suggests comparing the plurality of monitored inmate communications to information relating to inmates and employees located in a database.

The Examiner alleged that Brown et al. discloses comparing a plurality of monitored communications to information in a database to determine if a call is to be blocked or recorded and cited column 2, line 45 - column 3, line 60 and column 4, lines 19-24 (Office Action, page 3). Regardless of the accuracy of the Examiner's allegation, Applicant submits that the Examiner

is not addressing the features of claim 1. Claim 1 does not recite comparing a plurality of monitored communications to information in a database to determine if a call is to be blocked or recorded. Instead, claim 1 recites comparing the plurality of monitored inmate communications to information relating to inmates and employees located in a database.

Brown et al. does not disclose or suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees, as required by claim 1. Instead, Brown et al. discloses that an administrator specifies which telephone lines will be subject to recording and identifies the particular events that will trigger recording (col. 3, lines 17-20). If a triggering event occurs during a call, the system records the call, digitizes the recording, stores the digitized recording, and stores descriptive information regarding the call (col. 3, lines 46-49). Nowhere does Brown et al. disclose or remotely suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees, as required by claim 1. Gainsboro also does not disclose or suggest this feature.

Brown et al. and Gainsboro also do not disclose or suggest determining, based at least on the results of the comparing, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing, as further recited in claim 1. In fact, Brown et al. and Gainsboro are completely silent with regard to employee-inmate fraternization.

The Examiner alleged that Gainsboro discloses that inmate communications are monitored to detect security breaches so that reports and alarms may be generated thereby allowing the system administrator the ability to cut off inmate calls on an individual or global basis and cited the Abstract and paragraphs 0003, 0008, 0009, 0012, 0013, 0017, and 0031-0037 of Gainsboro for support (Office Action, page 4). Applicant respectfully submits that Gainsboro

does not disclose or remotely suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database. Therefore, Gainsboro cannot disclose or suggest determining, based at least on the results of the comparing, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing, as required by claim 1.

Instead, at the sections identified by the Examiner, Gainsboro discloses a technique for determining what level of monitoring (live, call recording, or passive line monitoring) should be used for a particular telephone call (paragraphs 0008, 0009, 0012, and 0017). Gainsboro does not disclose or suggest determining, based at least on the results of comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing, as required by claim 1. Brown et al. also does not disclose or suggest this feature.

Because Brown et al. and Gainsboro are silent with regard to determining, based at least on the results of comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing, Brown et al. and Gainsboro, whether taken alone or in any reasonable combination, cannot disclose or suggest performing a predetermined action if one of the plurality of communications indicates that the employee and inmate are fraternizing, as further recited in claim 1.

For at least these reasons, Applicant submits that claim 1 is patentable over Brown et al. and Gainsboro, whether taken alone or in any reasonable combination. Claims 2-8 depend from

claim 1 and are, therefore, patentable over Brown et al. and Gainsboro for at least the reasons given with regard to claim 1. Claims 2-8 are also patentable for reasons of their own.

For example, claim 3 recites comparing data associated with the communications determined as indicating that an employee and inmate are fraternizing, to data in a suppression database. Neither Brown et al. nor Gainsboro discloses or suggests this feature.

The Examiner alleged that Gainsboro discloses that inmate communications are monitored to detect security breaches so that reports and alarms may be generated thereby allowing the system administrator the ability to cut off inmate calls on an individual or global basis and cited the Abstract and paragraphs 0003, 0008, 0009, 0012, 0013, 0017, and 0031-0037 of Gainsboro for support (Office Action, page 5). Regardless of the accuracy of the Examiner's allegation, Applicant submits that the Examiner is not addressing the feature of claim 3. Claim 3 does not recite comparing a plurality of monitored communications to information in a database to determine if a call is to be blocked or recorded. Instead, claim 3 recites comparing data associated with the communications determined as indicating that an employee and inmate are fraternizing to data in a suppression database. None of the sections of Gainsboro identified by the Examiner discloses or remotely suggests this feature. Therefore, the Examiner has not established a prima facie case of obviousness with regard to claim 3.

For at least these additional reasons, Applicant submits that claim 3 is patentable over Brown et al. and Gainsboro.

Claim 4 recites that the report highlights or omits any communications in which its associated data and the data in the suppression database match. Neither Brown et al. nor Gainsboro discloses or suggests this feature.

The Examiner alleged that Gainsboro discloses that inmate communications are monitored to detect security breaches so that reports and alarms may be generated thereby allowing the system administrator the ability to cut off inmate calls on an individual or global basis and cited the Abstract and paragraphs 0003, 0008, 0009, 0012, 0013, 0017, and 0031-0037 of Gainsboro for support (Office Action, page 5). Regardless of the accuracy of the Examiner's allegation, Applicant submits that the Examiner is not addressing the feature of claim 4. Claim 4 does not recite comparing a plurality of monitored communications to information in a database to determine if a call is to be blocked or recorded. Instead, claim 4 recites that a report highlights or omits any communications in which its associated data and the data in the suppression database match. None of the sections of Gainsboro identified by the Examiner discloses or remotely suggests this feature. Therefore, the Examiner has not established a prima facie case of obviousness with regard to claim 4.

For at least these additional reasons, Applicant submits that claim 4 is patentable over Brown et al. and Gainsboro.

Independent claims 9, 17, 18, and 23 recite features similar to features recited in claim 1. Claims 9, 17, 18, and 23 are, therefore, patentable over Brown et al. and Gainsboro, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 1. Claims 10-16, 19-22, and 24-27 depend from claims 9, 18, and 23, respectively. Claims 10-16, 19-22, and 24-27 are, therefore, patentable over Brown et al. and Gainsboro for at least the reasons given with regard to claims 9, 18, and 23. Claims 10-16, 19-22, and 24-27 also recite features similar to features recited in claims 2-8. Claims 10-16, 19-22,

and 24-27 are, therefore, also patentable over Brown et al. and Gainsboro for at least reasons similar to reasons given with regard to claims 2-8.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of claims 1-27.

If the Examiner believes that the application is not now in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

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